

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 SCOTT WILLIAM SUTHERLAND, et al.

Defendants.

Case No. 11-20129

HON. ROBERT H. CLELAND

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 JEFF GARVIN SMITH, et al.

Defendants.

Case No. 11-20066

HON. ROBERT H. CLELAND

THE UNITED STATES MOTION FOR EXCLUDABLE DELAY

NOW COMES the United States of America by and through its attorneys, BARBARA L. McQUADE, United States Attorney, and Saima S. Mohsin and Eric M. Straus, Assistant United States Attorneys, for the Eastern District of Michigan, and Jerome M. Maiatico, Trial Attorney for the U.S. Department of Justice, and respectfully requests that the Court exclude the time between **April 16, 2013** and **June 20, 2013** under the Speedy Trial Act, 18 U.S.C.

§3161(h)(7)(B)(ii). In support of its motion, the Government states the following:

1. On February 8, 2013, the Government filed a motion to designate the above-captioned cases as complex cases under the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(B)(ii). (11-20129 R. 534; 11-20066 R. 135). The Government incorporates by reference as if fully set forth below its February 8, 2013 motion.

2. On February 21, 2013, the Court granted the Government's motion and issued an Order designating the above-referenced cases complex cases within the meaning of §3161(h)(7)(B)(ii) and excluded the time between February 7, 2013 and April 16, 2013. (11-20129 R. 544: Order; 11-20066 R. 139: Order). The Court found "that this case is so complex that it is unreasonable to expect adequate preparation for pretrial proceedings and trial within the time limits established by the Speedy Trial Act." (*Id.*).

3. For the reasons set forth in its February 8, 2013 motion, the Government submits these cases remain complex cases due to the nature of the prosecution, the number of defendants, and quantity of evidence. Therefore, it is unreasonable to expect adequate preparation for pre-trial proceedings and trial within the time limits of the Speedy Trial Act.

4. The Government submits that the ends of justice favor a continuance because the parties would otherwise be denied the reasonable time necessary for effective preparation, and such preparation will substantially shorten the time necessary for trial.

5. The ends of justice resulting from a continuance will outweigh the interests of the public and the defendants in a speedy trial. Accordingly, the Government respectfully requests

that pursuant to 18 U.S.C. §3161(h)(7)(B)(ii), a continuance be granted from **April 16, 2013 to June 20, 2013** under §3161(h)(7)(B)(ii).

Respectfully submitted,

BARBARA L. McQUADE
United States Attorney

s/ Saima S. Mohsin
s/ Eric M. Straus
Assistant U.S. Attorneys
211 West Fort Street, Suite 2001
Detroit, Michigan 48226-3211
Telephone: (313) 226-9100
Saima.Mohsin@usdoj.gov
Eric.Straus@usdoj.gov

JEROME M. MAIATICO
Trial Attorney
U.S. Department of Justice
1301 New York Avenue, N.W., Room 703
Washington, D.C. 20530
Telephone: (202) 615-8125
Jerome.Maiatico@usdoj.gov

Dated: April 18, 2013

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2013, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

s/ Saima Mohsin
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
Phone: (313) 226-9163
E-Mail: Saima.Mohsin@usdoj.gov
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